

10/511483

Customer No.	026418	
Attorney's Docket No.:	GK-ZEI-3254 / 500343.20274	
U.S. Application No.:		
International Application No.:	PCT/EP03/04024	
International Filing Date:	APRIL 17, 2003	17 APRIL 2003
Priority Date Claimed:	APRIL 17, 2002	17 APRIL 2002
Title of Invention:	METHOD FOR THE SPECTROSCOPIC DETERMINATION OF THE OXYGEN SATURATION OF BLOOD IN THE PRESENCE OF OPTICAL DISTURBANCE VARIABLES	
Applicant(s) for (DO/EO/US):	Dietrich SCHWEITZER, Martin HAMMER and Eike THAMM	

**THIS IS FILED IN THE GERMAN LANGUAGE**

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

- ☒ 1. This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
- ☐ 2. This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
- ☐ 3. This express request to begin national examination procedures [35 U.S.C. 371 (f)] at any time rather than delay examination until the expiration of the applicable time limit set forth in 35 U.S.C. 371(b) and PCT Articles 22 and
- ☐ 4. A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
- ☒ 5. A copy of **Publication No. WO 03/086193 23OCT03** the International Application as filed [35 U.S.C. 371(c)(2)]
- a) ☐ is transmitted herewith (required only if not transmitted by the International Bureau)
- b) ☐ has been transmitted by the international Bureau
- c) ☐ is not required, as the application was filed in the United States Receiving Office (RO/US)
- ☐ 6. A translation of **Publication No. WO 03/086193 23OCT03** the International Application into English [35 U.S.C. 371(c)(2)] **TO FOLLOW**
- ☐ 7. Amendments to the claims of the International Application under PCT Article 19 [35 U.S.C. 371(c)(3)]
- a) ☐ are transmitted herewith (required only if not transmitted by the International Bureau)
- b) ☐ have been transmitted by the International Bureau
- c) ☐ have not been made; however, the time limit for making such amendments has **NOT** expired.
- d) ☐ have not been made and will not be made
- ☐ 8. A translation of the amendments to the claims under PCT Article 19 [35 U.S.C. 371(c)(3)]
- ☐ 9. An Oath or declaration of the inventor(s) [35 U.S.C. 371(c)(4)] **EXECUTED Decl/POA - TO FOLLOW**
- ☐ 10. A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 [35 U.S.C. 371(c)(5)]

Items 11. to 16. Below concern other document(s) or information included:

- ☒ 11. **An Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98**
- ☐ 12. An Assignment document for recording. A separate cover sheet (PTO-1619A) in compliance with 37 CFR 3.28 and 3.31 is included.
- ☐ 13. ☐ **A FIRST preliminary amendment TO FOLLOW**  
☐ **A SECOND or SUBSEQUENT preliminary amendment**
- ☐ 14. **A substitute specification with abstract (attached to the preliminary amendment) TO FOLLOW**
- ☐ 15. A change of power of attorney and/or address letter
- ☒ 16. (other items or information) **Request, PCT/ISA/220 and PCT/ISA/210 dated August 23, 2003, PCT/IB/308 October 23, 2003, PTO-1449 with 4 documents, 1 US Equivalent, 2 English Abstracts & 8 US Cover pages**

EXPRESS MAIL No.: EV 302 914 874 US

Deposited: October 15, 2004

I hereby certify that this correspondence is being deposited with the United States Postal Service Express mail under 37 CFR 1.10 on the date indicated above and is addressed to: BOX PCT, Commissioner for Patents, Washington, DC 20231.

  
/Ruth Montalvo Date: October 15, 2004

<b>[X]</b> 17. The following fees are submitted: BASIC NATIONAL FEE [37 CFR 1.492(a)(1)-(5)]		DT05 Rec'd	PCT/PTO 15	OCT 2004
<b>[X]</b> Search Report has been prepared by the EPO or JPO	\$ 950.00			
<b>[ ]</b> International preliminary examination fee paid to USPTO [37 CFR 1.482]	\$ 750.00			
<b>[ ]</b> No International preliminary examination fee paid to USPTO [37 CFR 1.482] but International search fee paid to USPTO [37 CFR 1.445(a)(2)]	\$ 790.00			
<b>[ ]</b> Neither International preliminary examination fee [37 CFR 1.482] nor International search fee [37 CFR 1.445(a)(2)] paid to USPTO	\$ 1,110.00			
<b>[ ]</b> International preliminary examination fee paid to USPTO [37 CFR 1.482] and all claims satisfied provisions of PCT Article 33(1)-(4)	\$ 100.00			

ENTER APPROPRIATE BASIC FEE AMOUNT:

\$ 950.00

Claims	Number Filed		Number Extra	Rate
Total Claims (In German lang)	3	-20	1	x \$ 18. =
Indep. Claims	1	-03		x \$ 88. =
<b>[ ]</b> Multiple Dependent Claim(s) (if applicable)				+ \$ 300. =

TOTAL OF ABOVE CALCULATIONS:

\$ 950.00

Surcharge of \$130.00 for furnishing the oath or declaration later than **[ ]** 20 **[ ]** 30 months from the earliest claimed priority date [37 CFR 1.492(e)]

TOTAL OF ABOVE CALCULATIONS:

\$ 950.00

Applicant claims Small Entity Status [See 37 CFR 1.27] Reduction by 1/2 for filing by small entity

SUBTOTAL:

\$ 950.00

Processing fee of \$130.00 for furnishing the English Translation later than **[ ]** 20 **[ ]** 30 months from the earliest claimed priority date [37 CFR 1.492(f)]

\$ 130.00

TOTAL NATIONAL FEE:

\$1,080.00

Fee for recording the enclosed assignment [37 CFR 1.21(h)] The assignment must be accompanied by an appropriate cover sheet (PTO-1595) [37 CFR 3.28, 3.31]. \$ 40.00 per property +

TOTAL FEE(S):

\$1,080.00

AMOUNTS TO BE  
REFUNDED OR CHARGED

REFUNDED  
CHARGED

\$  
\$

(Please note the filing fee is based on the Amended Claims in the PCT/IPEA/409)

**[X]** Check in the amount of \$ 1,080.00 to cover the above fees is enclosed. (The Commissioner is hereby authorized to charge any additional fees required with this submission or to credit any overpayment to Deposit Account No: 50-1529.)

**NOTE:** Where an appropriate time limit under 36 CFR 1.494 or 1.495 has not been met, a petition to revive [37 CFR 1.137(a) or (b)] must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

Gerald H. Kiel, Esq.

Reed Smith LLP

599 Lexington Avenue

New York, NY 10022-7650

(Customer No. 026418)

Gerald H. Kiel

Name (Tel. (212) 521-5400)

Signature

25,116  
Reg. No.

October 15, 2004  
Date